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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,838	06/26/2002	Tobias Kaufhold	GK-ZEI-3149/500343.20150	4197

26418 7590 01/09/2007
REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

EXAMINER

LAO, LUN YI

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/030,838	Applicant(s) KAUFHOLD ET AL.	
	Examiner LUN-YI LAO	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima(JP- 62-21114) in view of Berry(5,835,289) and Moore(4,720,804).

As to claims 6 and 8-11, Kojima teaches an optical observation instrument (microscope) that includes at least one eyepiece (8) having an intermediate image plane (2)(see figures 1-2 and abstract) and a device(display device) being arranged in the intermediate image plane(2) for displaying information relating to the adjusted instrument parameters, the current operating state and/or the object to be observed in a visually perceptible manner (see figures 1-2 and abstract).

Kojima fails to disclose a detachable mounted eyepiece, a display device is an LED or LCD coupled to a control electronics.

Berry teaches an optical instrument having a removable mounted eyepiece with an intermediate plane(22)(see figures 1-2, 6; column 2, lines 49-68 and column 3, lines

1-12). It would have been obvious to have modified Kojima with the teaching of Berry, so it would be more convenience for users to change and repair the eyepiece and the intermediate plane when it get damage.

Moore teaches a self-illuminating EL display or LED display(other display) or LCD display with background illumination which is connected to control electronics(see figures 1-2, 3, 6, 11, 13-14; column 3, lines 13-20; column 7, lines 61-68; column 8, lines 1-31; column 10, lines 42-68; column 11 and column 12, lines 48-68). It would have modified Kijima as modified with the teaching of Moore, since Kojima has disclosed a display device(2) and an EL display or LED display or LCD It would have modified Kijima as modified with the teaching of Moore, since Kojima has disclosed a display device(2) and an EL display or LED display or LCD display having light weight, small volume and lower power consumption.

As to claim 8, Kojima as modified teach a plurality of control electronics are integrated in the eyepiece tube and are connected by control lines and supply lines to a central operating device and supply device of the observation instrument(see Moore's figures 1-2; 13-14; column 5, lines 19-68; column 6, lines 1-32; column 12, lines 48-68; column 13, lines 12-68 and column 14, lines 1-54).

As to claim 9, Kojima as modified teach the information of the observer is perceptible in the eyepiece outside the image filed area reserved for observation of the specimen(75)(see Moore's figures 1-10; column 5, lines 19-68; column 6, lines 1-50; column 7, lines 22-68; column 8 and column 9, lines 1-57).

As to claims 10 and 11, Kojima as modified by Berry teaches the eyepiece being constructed to be detachably mounted on a microscope and having a shape, size and fastening means in a same manner which is same as an eyepiece not having in the device, so that the eyepiece with the device can be exchanged with an eyepiece without the device (see Berry's figures 1-2; abstract; column 2, lines 61-68 and column 3, lines 1-12).

3. Claims 6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (EP 62021114) in view of Brock (5,757,542) and Moore.

As to claims 6 and 8-11, Kojima teaches an optical observation instrument (microscope) that includes at least one eyepiece (8) having an intermediate image plane (2) (see figures 1-2 and abstract) and a device (display device) being arranged in the intermediate image plane (2) for displaying information relating to the adjusted instrument parameters, the current operating state and/or the object to be observed in a visually perceptible manner (see figures 1-2 and abstract).

Kojima fails to disclose a detachable mounted eyepiece, a display device is an LED or LCD coupled to a control electronics.

Brock teaches an optical instrument having a removable mounted eyepiece (see figures 1-2; column 4, lines 58-68 and column 5, lines 1-36). It would have been obvious to have modified Kojima with the teaching of Brock, so it would be more convenient for users to change and repair the eyepiece.

Moore teaches a self-illuminating EL display or LED display (other display) or LCD display with background illumination which is connected to control electronics (see

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figures 1-2, 3, 6, 11, 13-14; column 3, lines 13-20; column 7, lines 61-68; column 8, lines 1-31; column 10, lines 42-68; column 11 and column 12, lines 48-68). It would have modified Kijima as modified with the teaching of Moore, since Kojima has disclosed a display device(2) and an EL display or LED display or LCD display having light weight, small volume and lower power consumption

As to claim 8, Kijima as modified teach a plurality of control electronics are integrated in the eyepiece tube and are connected by control lines and supply lines to a central operating device and supply device of the observation instrument(see Moore's figures 1-2; 13-14; column 5, lines 19-68; column 6, lines 1-32; column 12, lines 48-68; column 13, lines 12-68 and column 14, lines 1-54).

As to claim 9, Kijima as modified teach the information of the observer is perceptible in the eyepiece outside the image field area reserved for observation of the specimen(75)(see Moore's figures 1-10; column 5, lines 19-68; column 6, lines 1-50; column 7, lines 22-68; column 8 and column 9, lines 1-57).

As to claims 10 and 11, Kojima as modified teach the eyepiece being constructed to be detachably mounted on a microscope and having a shape, size and fastening means in a same manner which is same as an eyepiece not having in the device, so that the eyepiece with the device can be exchanged with an eyepiece without the device(see Brock's figures 1-2; column 4, lines 58-68 and column 5, lines 1-36).

Response to Arguments

4. Applicant's arguments with respect to claims 6 and 7-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wardlaw et al(4,209,226) teach a microscope having eyepiece with a removable filter.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

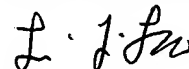
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 3, 2007

A handwritten signature in black ink, appearing to read 'L. J. Lao'.

Lun-yi Lao

Primary Examiner